

House File 2206 - Introduced

HOUSE FILE 2206
BY MERTZ

A BILL FOR

1 An Act relating to agricultural drainage wells, by extending
2 the date for complying with certain requirements, and
3 including effective date provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 460.202, unnumbered paragraph 1, Code
2 2009, is amended by striking the unnumbered paragraph.

3 Sec. 2. Section 460.202, subsection 1, unnumbered paragraph
4 1, Code 2009, is amended to read as follows:

5 ~~An~~ Not later than December 31, 2015, the owner of land on
6 which an agricultural drainage well is located shall prevent
7 surface water from draining into the agricultural drainage
8 well. The landowner shall comply with rules, which shall be
9 adopted by the department, in consultation with the division,
10 required to carry out this section. ~~The~~ In complying with this
11 subsection, the landowner shall do all of the following:

12 Sec. 3. Section 460.202, Code 2009, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 4. An owner of land who has complied with
15 the requirements of subsection 1 before December 31, 2015,
16 shall continue to comply with those requirements.

17 Sec. 4. Section 460.203, subsection 1, Code 2009, is amended
18 to read as follows:

19 1. Not later than December 31, ~~2001~~ 2015, the owner of
20 land which is within a designated agricultural drainage well
21 area shall close each agricultural drainage well located on
22 the land. An owner who has complied with the requirements
23 of this section before December 31, 2015, shall continue to
24 comply with those requirements. The owner shall close the
25 agricultural drainage well in a manner using materials and
26 according to specifications required by rules which shall be
27 adopted by the department in consultation with the division.
28 The department may provide different closing requirements based
29 on classifications established by the department. However, the
30 department's requirements shall ensure that an agricultural
31 drainage well is closed by using sealing materials such as
32 bentonite to permanently seal the agricultural drainage well
33 from contamination by surface or subsurface water drainage.

34 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
35 immediate importance, takes effect upon enactment.

EXPLANATION

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This bill extends the deadline by which an owner of land that contains an agricultural drainage well must comply with requirements for preventing surface water drainage. The requirements include removing a surface water intake if it empties into the well, constructing and maintaining sidewalls surrounding the well's cistern, ensuring that the well and related drainage system are adequately ventilated, and installing a locked cover over the well or its cistern. The owner must close an agricultural drainage well located in an area in which there is an anaerobic lagoon or earthen manure storage basin. The deadline for complying with the requirements expired on December 31, 2001. The bill extends the deadline to December 31, 2015. An owner of land who has complied with the requirements before December 31, 2015, must continue to comply with those requirements.

A person who violates the prohibition is subject to a civil penalty of not more than \$1,000, unless the person fails to take corrective action. After the person fails to take corrective action the first time, the civil penalty increases to not more than \$5,000, and after the person fails to take corrective action after that the civil penalty increases to not more than \$15,000 (Code section 460.206).

The bill takes effect upon enactment.